

## REMARKS

This application has been reviewed in light of the Office Action dated June 27, 2005. Claims 1, 3-5, 8, 10 and 18-21 are presented for examination and have been amended to define still more clearly what Applicant regards as his invention, and of which Claims 1, 8, 18 and 19 are in independent form. Claims 6 and 7 have been canceled without prejudice or disclaimer of subject matter, and will not be mentioned further. Favorable reconsideration is respectfully requested.

Initially, the changes shown above are believed to address fully the points raised by the Examiner in his objections to the claims set out in paragraphs 5 and 6 of the Office Action.

Claims 1, 3-5, 8, 10 and 18-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,215,562 B1 (Michel et al.).

Independent Claim 1 is directed to a test printing method capable of printing a corrected test pattern and a non-corrected test pattern with which the test pattern is compared. That method comprises generating calibration data based on measuring data of a printed test pattern, and correcting test pattern data including a plurality of different data, using the calibration data. The test pattern is printed, based on the corrected test pattern data, and a judgment is made as to whether or not to print the non-corrected test pattern, based on a state of an input by an operation of a user. According to Claim 1, execution of the printing step is controlled based on a judgment made in the judging step, and specifically, when the judgment is to print the non-corrected test pattern, then the controlling step includes controlling the printing step so that the test pattern and the non-corrected test pattern are printed.

Among other notable features of the method of Claim 1, are that

(1) calibration data is generated based on measuring data of a printed test pattern, and

(2) that calibration data is compared with the non-corrected test pattern.

*Michel* relates to a system in which calibration data is generated based on user's visual observation of a target image shown in Fig. 1. Also, in the *Michel* system, a color test page which uses original calibration values is printed in step S314 in Fig. 3A, and a color test page which uses new calibration values is printed in step S315.

Applicant submits, however, that nothing has been found or pointed out in *Michel* that would disclose or suggest that a non-corrected test pattern is printed, as is recited in Claim 1. In the *Michel* system, since the color test page using the original calibration values is printed, it is possible to check the condition of a printer before the calibration, but the actual condition of the printer cannot be checked. The method of Claim 1, in contrast, provides this important ability, by virtue of the printing of the non-corrected test pattern.

In addition, in the *Michel* system, the calibration data is generated based on the user's visual observation. In contrast, according to Claim 1, the calibration data is generated based on measuring a printed test pattern.

For all these reasons, it is believed to be clear that Claim 1 is allowable over *Michel*.

Independent Claims 8, 18 and 19 are apparatus, program and computer memory medium claims, respectively, corresponding to method Claim 1, and are believed to be patentable for at least the reasons advanced above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a

reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.


The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. At the very least, however, it is believed that the formal rejections have been overcome, and cancellation of Claims eliminates all issues relating to those claims. Accordingly, In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, he is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L.P. Diana", written over a horizontal line.

Leonard P. Diana  
Attorney for Applicant  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 527241v1